

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CANDY M. R.,

Plaintiff(s),

v.

MARTIN O'MALLEY,

Defendant(s).

Case No. 2:24-cv-00927-NJK

Order

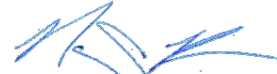
When a party seeks permission to pursue a civil case *in forma pauperis*, courts screen the complaint. *See* 28 U.S.C. § 1915(e). In the social security context, that screening includes analysis of whether the civil action was timely commenced within 60 days after notice of a final decision. *See, e.g., Graves v. Colvin*, 2015 WL 357121, at *2 (D. Nev. Jan. 26, 2015) (collecting cases).¹ Plaintiff's complaint acknowledges that it is facially untimely, but indicates that an extension request was filed below and that the extension request remains pending. *See* Docket No. 1-1 at ¶ 8. Given the circumstances, the Court ordered Plaintiff to file either an amended complaint or a status report by June 17, 2024. Docket No. 6. On June 12, 2024, the parties filed a status report indicating that there had been some communication with the Appeals Council that the extension request would be granted, but that no written order had yet been issued doing so. Docket No. 9.

¹ New rules govern social security cases, which provide in pertinent part that the plaintiff "may" provide a short and plain statement of the grounds for relief. Supp. R. Soc. Sec. 2(b)(2). In the context of an *in forma pauperis* screening, however, a social security plaintiff must still provide a sufficient explanation as to her contentions on appeal. *Jalal H. v. Comm'r of Soc. Sec.*, 2023 WL 35218, at *2 (S.D. Cal. Jan. 4, 2023). Although the Court declines to engage in a full screening herein in light of the timeliness issue identified above, it would appear that the complaint fails on additional grounds. *See Graves*, 2015 WL 357121, at *2.

1 Plaintiff is hereby ORDERED to file either an amended complaint or a further status report
2 by July 17, 2024.

3 IT IS SO ORDERED.

4 Dated: June 20, 2024



Nancy J. Koppe
United States Magistrate Judge